

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOE J.W. ROBERTS, JR.,

Plaintiff,

v.

VILMA KHOUNPHIXAY, *et al.*,

Defendants.

Case No. C19-014-MJP-MLP

ORDER RE-NOTING DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT

This is a civil rights action proceeding under 42 U.S.C. § 1983. On September 26, 2019, Defendants filed a summary judgment motion in this matter which was noted for consideration on October 18, 2019. (Dkt. # 48.) The motion was subsequently re-noted for February 28, 2020 to allow Plaintiff additional time to respond. (*See* Dkt. # 77 at 7.) Despite being granted a substantial extension of time to file a response to Defendants' summary judgment motion Plaintiff failed to do so, opting instead to file a series of motions relating to his access to legal materials and requesting appointment of counsel. (*See* Dkt. ## 79, 80, 87, 92.)

On April 17, 2020, this Court issued an Order denying Plaintiff's motions and advising the parties it would address Defendants' pending summary judgment motion separately. (Dkt. # 102.) Plaintiff, however, quickly filed an appeal of the April 17th Order which caused the Court

ORDER RE-NOTING DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT - 1

1 to strike Defendants' summary judgment motion from the calendar pending resolution of the  
2 appeal. (See Dkt. # 105.) Plaintiff's appeal has now been resolved and Defendants' summary  
3 judgment motion may therefore be placed back on the Court's motion calendar. As indicated  
4 above, Plaintiff has yet to file any response to Defendants' summary judgment motion despite  
5 being afforded ample time to do so. Nonetheless, the Court deems it appropriate to grant Plaintiff  
6 one final opportunity to file a response before it proceeds to resolution of Defendants' motion.

7 Accordingly, this Court hereby ORDERS as follows:

8 (1) Defendants' motion for summary judgment (dkt. # 48) is RE-NOTED on the  
9 Court's calendar for consideration on ***September 18, 2020***. If Plaintiff wishes to file a response  
10 to Defendants' motion, he must do so not later than ***September 14, 2020***. Absolutely no further  
11 extensions will be granted. Thus, if Plaintiff fails to file a response to Defendants' motion by the  
12 established deadline, the Court will proceed immediately to resolution of the motion.

13 (2) The Clerk shall provide copies of this Order to Plaintiff, to counsel for  
14 Defendants, and to the Honorable Marsha J. Pechman.

15 DATED this 6th day of August, 2020.

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18 MICHELLE L. PETERSON  
19 United States Magistrate Judge  
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